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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

American Family Insurance Company
6000 American Parkway
Madison, WI 53783

Plaintiff,

CASE NO.: 1:23-cv-134

vs.

United States of America
c/o Attorney General of the USA
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

COMPLAINT

Defendant.

Now comes Plaintiff, American Family Insurance Company, by and through counsel, and for its Complaint against Defendant, United States of America, states as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, American Family Insurance Company, is an insurance company organized under the laws of the State of Ohio and licensed to do business and issue policies of insurance in the State of Ohio, with its principal place of business and/or nerve center located at 6000 American Parkway, Madison, WI 53783. At all times material hereto, American Family Insurance Company was authorized to transact its insurance business within the State of Ohio.
2. Defendant, United States of America, employed John Wayne Patton through the United States Postal Service's office/department. At all times material hereto, John Wayne Patton was acting in the course and scope of his employment for the United States Postal Service's office/department.
3. Subject matter jurisdiction is vested in this Court over this claim against the United States for money damages pursuant to 28 § 1346(b)(1).

4. Venue is proper in this court pursuant to 28 U.S.C. § 1402(b) and § 1391(e)(1) because the alleged act or omission giving rise to the claim occurred in Hamilton County, Ohio.
5. At the time of the incident which gave rise to this lawsuit, John Wayne Patton was participating in work related to his role/job in the United States Postal Service's office/department. Pursuant to 28 U.S.C. § 2671 and § 2672, the Federal Tort Claim Act covers the incident.

STATEMENT OF FACTS

6. On January 4, 2022, and at all times material herein, Plaintiff, American Family Insurance Company, was the insurer, assignee, and subrogee of Diana Wilder, who was the owner of a 2021 Honda.
7. On January 4, 2022, on private property at or near 7865 East Kemper Road, Sycamore Township, Hamilton County, Ohio, John Wayne Patton was operating a USPS Vehicle in Cincinnati, Ohio.
8. John Wayne Patton drove the USPS Vehicle on private property at or near 7865 East Kemper Road and struck Plaintiff's insured's 2021 Honda.
9. As a result of the collision, Plaintiff's insured's 2021 Honda was damaged.
10. Plaintiff filed a Standard Form 95 with the United States Postal Service, Office of the General Counsel for the \$20,740.86 in damages it paid on behalf of Diana Wilder, which was received by the Federal Tort Agency on or about September 12, 2022.
11. On or about September 26, 2022, the United States Postal Service, denied Plaintiff's claim. Plaintiff brings this action pursuant to 28 U.S.C. § 2401(b) and § 2675.

CAUSE OF ACTION

12. Plaintiff reiterates and realleges paragraphs one through eleven as if fully rewritten herein.
13. On January 4, 2022, on private property at or near 7865 East Kemper Road, Sycamore Township, Hamilton County, Ohio, John Wayne Patton, while operating his USPS Vehicle, had a duty to:
 - a. Maintain reasonable control of the USPS Vehicle;
 - b. Operate the USPS Vehicle at a speed that was safe for the weather conditions;

- c. Maintain an assured clear distance ahead; and
 - d. Follow applicable traffic laws.
14. John Wayne Patton failed to maintain reasonable control of the USPS Vehicle; operated the USPS Vehicle at a speed that was unsafe for the weather conditions; did not maintain an assured clear distance ahead; and failed to follow applicable traffic laws.
15. At the time of the collision, John Wayne Patton was operating the USPS Vehicle in the course and scope of his employment with the United States Postal Service's office/department, and pursuant to 28 U.S.C. § 2672 was an employee of the United States, under circumstances where the United States, if a private person, would be liable to Plaintiff according to the laws of the State of Ohio.
16. As a result of John Wayne Patton's negligence, Plaintiff's insured's 2021 Honda was damaged in the amount of \$20,740.86.
17. Plaintiff's insured sustained a \$500.00 deductible loss.
18. Plaintiff was required to pay on behalf of its insured the sum of \$20,740.86, subject to the \$500.00 deductible, for the damage to the 2021 Honda, and became subrogated to said amount.

Wherefore, Plaintiff, American Family Insurance Company, demands judgment against Defendant, United States of America, in the amount of \$20,740.86, plus statutory interest, plus the costs of this action.

Respectfully submitted,

s/ Matthew C. Workman

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